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10 Attorneys for Plaintiff,  
11 GREGORY BEAUCHAMP

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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

11 GREGORY BEAUCHAMP, an  
12 individual,

13 Plaintiff,

14 vs.

15  
16 MARTHA STEWART LIVING  
17 OMNIMEDIA, INC., a Delaware  
18 corporation, and DOES 1-9, inclusive,

19 Defendants.  
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Case No. CV11-06655 CAS

NOTICE OF ACCEPTANCE OF  
OFFER OF JUDGMENT AND  
REQUEST FOR ENTRY OF  
JUDGMENT

[Federal Rule of Civil Procedure 68]

Hon. Christina A. Snyder

1 Plaintiff Gregory Beauchamp ("Plaintiff") hereby accepts Defendant  
 2 Martha Stewart Living Omnimedia, Inc.'s ("Defendant") Offer of Judgment  
 3 which is attached hereto as Exhibit 1. Also submitted, Exhibit 2, is a copy of the  
 4 letter of acceptance sent on behalf of Plaintiff to Defendant's counsel on  
 5 November 29, 2011.

6  
 7 Plaintiff respectfully requests the Court to enter judgment against Defendant  
 8 Martha Stewart Living Omnimedia, Inc., pursuant to the offer of judgment and its  
 9 acceptance represented herein. Concurrently filed herewith in Word is a  
 10 proposed judgment in keeping with the offer and acceptance.

11  
 12 Respectfully submitted:

13  
 14 CISLO & THOMAS LLP

15  
 16 Dated: December 2, 2011

17 By:   
 18 Daniel M. Cislo, Esq.

19 Attorneys for Plaintiff,  
 20 GREGORY BEAUCHAMP

21 T:\11-25208\Notice of Acceptance of Offer of Judgment.docx  
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# Exhibit 1

1 KELLI L. SAGER (State Bar No. 120162)  
kellisager@dwt.com

2 DAVIS WRIGHT TREMAINE LLP  
865 S. Figueroa Street, Suite 2400  
3 Los Angeles, California 90017-2566  
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5 EDWARD J. DAVIS (admitted *pro hac vice*)  
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7 DAVIS WRIGHT TREMAINE LLP  
8 1633 Broadway, 27<sup>th</sup> Floor  
New York, New York 10019  
9 Telephone: (212) 489-8230  
Facsimile: (212) 489-8340  
10

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13

14 GREGORY BEAUCHAMP, an  
individual,

15 Plaintiff,

16 vs.

17 MARTHA STEWART LIVING  
18 OMNIMEDIA, INC., a Delaware  
Corporation, and DOES 1-9, inclusive,

19 Defendants.  
20

) Case No. CV11-06655 CAS

) **OFFER TO CONFESS JUDGMENT**

) [Federal Rule Of Civil Procedure 68]

) Assigned to the Hon. Christina A. Snyder  
Action Filed: August 12, 2011  
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1  
2 Defendant Martha Stewart Living Omnimedia, Inc. ("Defendant") hereby  
3 offers to allow entry of judgment in favor of plaintiff Gregory Beauchamp  
4 ("Plaintiff") against Defendant pursuant to Rule 68 of the Federal Rules of Civil  
5 Procedure.

6 Defendant offers to allow the entry of judgment in favor of Plaintiff against  
7 Defendant as follows:

8 1. For the sum of twenty-five thousand dollars (\$25,000.00), which sum  
9 shall include all costs and attorneys' fees otherwise recoverable in this action to the  
10 date of this Offer, and which sum is to be paid by Defendant; and

11 2. For an order dismissing all DOE defendants to the action, with  
12 prejudice.

13 This Offer is conditioned on Plaintiff's agreement not to sue any other parties  
14 over claims arising out of the subject matter of this action.

15 This Offer is made for the purposes specified in Federal Rule of Civil  
16 Procedure 68. Evidence of this offer is not admissible except in a proceeding to  
17 determine costs, and this offer is not to be construed as an admission that Defendant  
18 is liable in this action or that Plaintiff has suffered any damages.

19  
20 DATED: November 22, 2011 DAVIS WRIGHT TREMAINE LLP  
21 KELLI L. SAGER  
22 EDWARD J. DAVIS (admitted *pro hac vice*)  
23 CAMILLE CALMAN (admitted *pro hac vice*)

24 By: Edward J. Davis  
25 Edward J. Davis

26 Attorneys for Defendant  
27 MARTHA STEWART LIVING OMNIMEDIA,  
28 INC.

# Exhibit 2



PROCUREMENT AND ENFORCEMENT  
OF INTELLECTUAL PROPERTY

1332 ANACAPA STREET  
SUITE 120  
SANTA BARBARA, CA 93101-2090  
(805) 962-1515

CISLO & THOMAS LLP  
*Attorneys at Law*

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SUITE 310  
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(805) 496-1164

November 29, 2011

VIA ELECTRONIC MAIL ONLY  
EMAIL ADDRESS: eddavis@dwt.com  
cc: kellisager@dwt.com

Edward J. Davis, Esq.  
Davis Wright Tremaine LLP  
1633 Broadway, 27<sup>th</sup> Floor  
New York, NY 10019-6708

**Re: Gregory Beauchamp v. Martha Stewart Living Omnimedia  
U.S.D.C., Central District of California, Case No. 11-6655 CAS (PLAx)  
Our Ref.: 11-25208**

Dear Ed:

On behalf of our client Gregory Beauchamp we accept your client's Offer of Judgment. Please find attached the Notice of Acceptance of Offer of Judgment and Request for Entry of Judgment and Proposed Judgment that we intend to file with the court. If you do not wish for us to file the attached with the Court, please forward to us the settlement agreement and settlement payment by Friday December 2, 2011.

Very truly yours,

CISLO & THOMAS LLP



Daniel M. Cislo

DMC:lb  
cc: Kelli L. Sager, Esq.  
11-25208\Letter to Davis re Notice of Acceptance.docx



**CERTIFICATE OF SERVICE**

I hereby certify that on December 2, 2011, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Central District of California, using the electronic case filing system of the court and that on this day a true and correct copy of:

**NOTICE OF ACCEPTANCE OF OFFER OF JUDGMENT AND REQUEST FOR ENTRY OF JUDGMENT**

was served via the court's ECF system to the following counsel for Defendant:

**Edward J Davis**

Davis Wright Tremaine LLP  
1633 Broadway 27th Floor  
New York, NY 10019  
[edwarddavis@dwt.com](mailto:edwarddavis@dwt.com)

**Kelli L Sager**

Davis Wright Tremaine LLP  
865 South Figueroa Street Suite 2400  
Los Angeles, CA 90017-2566  
[kellisager@dwt.com](mailto:kellisager@dwt.com)

I declare, under penalty of perjury under the laws of the United States of America that the foregoing is true and that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on December 2, 2011, at Santa Monica, California.

  
Laura Banuelos

CISLO & THOMAS LLP  
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